

# **ORDINANCE 1578**

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ESTABLISHING INTERIM ZONING REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT; AMENDING SECTIONS 18.12.010 AND 18.12.030, 18.10.020A AND TABLES 18.10.030, 18.10.040, AND 18.10.050, OF THE NORTH BEND MUNICIPAL CODE RELATING TO LOT SIZES IN THE CONSTRAINED LOW-DENSITY RESIDENTIAL (CLDR) ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on December 8, 2015, the City Council of the City of North Bend adopted Ordinance No. 1574 approving the 2015 amendments to the North Bend Comprehensive Plan (the “Comprehensive Plan Update”); and

**WHEREAS**, the Land Use Element of the Comprehensive Plan Update establishes a new Constrained Low-Density Residential (CLDR) Zone accommodating two dwelling units per acre; and

**WHEREAS**, on January 5, 2016, the City Council adopted Ordinance No. 1576 amending the City zoning code to implement the addition of the CLDR Zone; and

**WHEREAS**, subsequent to the adoption of Ordinance No. 1576, the City Council evaluated the CLDR zoning provisions establishing a two dwelling unit per acre gross density in conjunction with the LDR minimum lot size, and has determined that additional revision is necessary to the CLDR zoning in order to more fully reflect the City Council’s intent; and

**WHEREAS**, the City Council now desires to amend the CLDR zoning provisions to reflect the original intent regarding minimum lot sizes in the CLDR Zone; and

**WHEREAS**, the Growth Management Act (GMA) permits the City Council to adopt interim zoning regulations without a prior public hearing pursuant to RCW 36.70A.390;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact:** The City Council hereby adopts the recitals set forth above as its findings of fact in support of adopting the interim zoning regulations established herein.

**Section 2. NBMC 18.10.020(A) (Purposes – LDR & CLDR Districts), Amended:** North Bend Municipal Code Subsection 18.10.020(A) (Purposes – LDR District) is hereby amended to read as follows:

A. Purposes – LDR and CLDR Districts.

1. Provide for neighborhoods of predominately single-family structures at a gross density of four dwelling units per acre for LDR, and two dwelling units per acre for CLDR, as designated on the zoning map;

2. The CLDR District is recognized for having larger lots or development constraint, such as frequently flooded areas, geologically hazardous areas, river and stream corridors, channel migration areas, wetlands, and native wildlife and fish habitat. Density in this zone shall not exceed two dwelling units per gross acre. Furthermore, large estate size lots, in excess of 18,000 sq. ft. minimum lot size is the intent within the CLDR District;

3. Accommodate other uses compatible with single-family residences and other types of innovative styles of residential units including accessory dwelling units and up to 15 percent of cottage housing with planned neighborhood district (PND) approval;

4. Maintain the integrity and character of existing neighborhood areas, including requiring that all units be held in fee simple ownership status;

5. Create attractive and satisfying neighborhood environments for family life;

6. Ensure that adequate sewer, water, and other utilities and services are provided;

7. Provide for public amenities such as passive and active recreation areas, open space, and trails and promote the opportunity for area-wide coordination and continuity of pedestrian, bicycle, and greenbelt corridors;

8. Assure development gives due consideration to existing development or that which can be reasonably

anticipated on adjacent lands, with respect to common infrastructure requirements and compatibility of uses;

9. Promote a traditional neighborhood development pattern and scale which serves to maintain and enhance existing small-city character and pedestrian orientation; and

10. Implement provisions of the comprehensive plan, including the vision plan, related to residential areas.

**Section 3. NBMC Table 18.10.030 (Permitted and Conditional Land Uses), Amended:** Table 18.10.030 of the North Bend Municipal Code (Permitted and Conditional Land Uses) is hereby amended to read as set forth in Exhibit A attached hereto, which is incorporated by this reference.

**Section 4. NBMC Table 18.10.040 (Bulk and Dimensional Standards), Amended:** Table 18.10.040 of the North Bend Municipal Code (Bulk and Dimensional Standards) is hereby amended to read as set forth in Exhibit B attached hereto, which is incorporated by this reference.

**Section 5. NBMC Table 18.10.050 (Land Use Performance Standards), Amended:** Table 18.10.050 of the North Bend Municipal Code (Land Use Performance Standards) is hereby amended to read as set forth in Exhibit C attached hereto, which is incorporated by this reference.

**Section 6. NBMC 18.12.010 (Planned neighborhood district – Established), Amended:** North Bend Municipal Code Section 18.12.010 (Planned neighborhood district – Established) is hereby amended to read as follows:

**18.12.010 Planned neighborhood district – Established.**

In addition to the zoning districts established by NBMC 18.10.010, there is hereby established a planned neighborhood district (PND).

A. A PND is required:

1. Within areas designated as low density residential (LDR) when cottage housing is proposed; provided the gross density of four dwelling units per acre for LDR is not exceeded;
2. Within all cottage residential (CR) zones; or

3. In any zone where a mix of residential housing types is proposed.
- B. Notwithstanding anything to the contrary within this Title, cottage housing through a PND is not allowed in the CLDR.

**Section 7. NBMC 18.12.030 (Location, size, and other preliminary considerations), Amended:** North Bend Municipal Code Section 18.12.030 (Location, size, and other preliminary considerations) is hereby amended to read as follows:

**18.12.030 Location, size, and other preliminary considerations.**

PND applications shall also satisfy the following criteria:

A. Location Limitation.

1. In the LDR zone, a PND allows up to 15 percent of the total units to be cottage housing.
2. In the LDR zone, not more than one new PND is permitted within 300 feet of the nearest lot of any other PND in the LDR zone, except that:
  - a. If a PND exists, a second PND may locate within 300 feet of the existing PND when the PNDs include a logical edge or boundaries and combine or join the required common open space, or when common accessory use areas of both PNDs are to be integrated.
3. Proposed cottage housing or other housing types within a PND shall comply with NBMC 18.10.050 and Chapter 18.34 NBMC.

B. Minimum Size. A minimum of 10 dwelling units is required for a PND in the LDR zone. Multiple parcels may be planned as an integrated PND to achieve the 10-dwelling-unit minimum.

1. At the time of application, all parcels included in a PND development shall be under common ownership or control or be the subject of a joint application by owners of all included property.

C. Common Open Space and Parks. PND developments shall have a core common area and neighborhood focal point, consistent with the following:

1. In the LDR Zone. Cottage housing shall be oriented to and around the common area or park space. The LDR housing element of the PND shall meet the parks and open space requirements as set forth in Chapter 17.25 NBMC. The cottage housing element of the PND shall meet the requirements as set forth in subsection (C)(2) of this section.
2. Cottage Housing. Cottage housing shall provide, on site, a minimum of 436 square feet of common open space per unit. Cottage housing units shall be oriented to and around common open space or public parks.
3. Multiple-Family Units. Any multiple-family structure, complex, or development of five or more units shall provide a minimum of 200 square feet of recreational or common open space, per unit, on site for the use of the occupants, subject to the requirements set forth in Chapter 17.25 NBMC.
4. An applicant shall work with the city to determine the most appropriate location(s), types, and improvements for the open space areas, subject to the following criteria:
  - a. The common area shall not include wet stormwater ponds, wetlands, streams, lakes, critical area buffers, or slopes of 10 percent or more and the land shall be developed and maintained so it is usable for active or passive recreation activities;
  - b. The preferred type of open space is a park or square that complements residential areas and streetscape improvements. The open space shall be held in common and maintained by the owners within the PND, with common improvements available to the PND area; and
  - c. If a PND includes more than 20 residential dwelling units, play equipment shall be provided within the common open space area(s).

If the PND is located within 300 feet of a regional city park (i.e., Tollgate, Torguson, or EJ Roberts Park), and if pedestrian access exists or will be provided by the applicant in a manner approved by the city, then the play equipment or other park improvements may be constructed within said park, in a manner as approved by the city.

- d. For developments within the CR zone, the director may require up to a 15-foot buffer for tree retention around the outer perimeter of the site.

D. Uses within PNDs shall relate to each other and shall relate to areas beyond the PND boundaries. Planned neighborhood common open space need not be in the geographic center of a PND, but shall provide ample pedestrian access to residential uses in the PND and to areas outside of the PND.

E. Generally. A pre-application meeting with the applicant is required. The city shall encourage the development of PNDs where conditions are appropriate, criteria can be met, and the stated purposes will be supported. Conversely, the city shall discourage PNDs where criteria or purposes are not met.

**Section 8. Public Hearing:** Pursuant to RCW 36.70A.390, the City Council shall conduct a public hearing on this ordinance within 60 days of its adoption.

**Section 9. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 10. Effective Date/Period:** This ordinance shall be published in the official

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newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication, and shall remain in effect for six months from the effective date.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: February 10, 2016  
Effective: February 15, 2016

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**Susie Oppedal, City Clerk**